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Agenda item 67 (b)

**Elimination of racism, racial discrimination, xenophobia
and related intolerance: comprehensive implementation
of and follow-up to the Durban Declaration and
Programme of Action**

Argentina: * revised draft resolution

**Global efforts for the total elimination of racism, racial
discrimination, xenophobia and related intolerance and the
comprehensive implementation of and follow-up to the Durban
Declaration and Programme of Action**

The General Assembly,

Recalling its resolution 52/111 of 12 December 1997, in which it decided to convene the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, and its resolutions 56/266 of 27 March 2002, 57/195 of 18 December 2002, 58/160 of 22 December 2003, 59/177 of 20 December 2004 and 60/144 of 16 December 2005, which guided the comprehensive follow-up to and effective implementation of the World Conference, and in this regard underlining the importance of their full and effective implementation,

Recalling also its resolutions 64/148 of 18 December 2009 and 65/240 of 24 December 2010, in which it, inter alia, called for the commemoration of the tenth anniversary of the Durban Declaration and Programme of Action adopted by the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance,¹ which represented an important opportunity for the international community to reaffirm its commitment to the eradication of racism, racial discrimination, xenophobia and related intolerance, including by mobilizing political will at the national, regional and international levels, with a view to achieving concrete results,

* On behalf of the States Members of the United Nations that are members of the Group of 77 and China.

¹ See A/CONF.189/12 and Corr.1, chap. I.



Taking note of Human Rights Council decision 3/103 of 8 December 2006,² by which, heeding the decision and instruction of the World Conference, the Council established the Ad Hoc Committee of the Human Rights Council on the Elaboration of Complementary Standards, and encouraging the Committee to continue making progress in the discharge of its mandate,

Bearing in mind the responsibility and obligations of the Human Rights Council emanating from the outcome of the Durban Review Conference,³

Reiterating that all human beings are born free and equal in dignity and rights and have the potential to contribute constructively to the development and well-being of their societies, and that any doctrine of racial superiority is scientifically false, morally condemnable, socially unjust and dangerous and must be rejected, together with theories that attempt to determine the existence of separate human races,

Convinced that racism, racial discrimination, xenophobia and related intolerance manifest themselves in a differentiated manner for women and girls and may be among the factors leading to a deterioration in their living conditions, poverty, violence, multiple forms of discrimination and the limitation or denial of their human rights, and recognizing the need to integrate a gender perspective into relevant policies, strategies and programmes of action against racism, racial discrimination, xenophobia and related intolerance in order to address multiple forms of discrimination,

Underlining the primacy of political will, international cooperation and adequate funding at the national, regional and international levels needed to address all forms and manifestations of racism, racial discrimination, xenophobia and related intolerance,

Emphasizing, while acknowledging the primary responsibility of States parties to implement their obligations under the International Convention on the Elimination of All Forms of Racial Discrimination,⁴ that international cooperation and technical assistance play an important role in assisting countries with the implementation of their obligations under it,

Alarmed at the increase in racist violence and xenophobic ideas in many parts of the world, in political circles, in the sphere of public opinion and in society at large as a result, inter alia, of the resurgent activities of associations established on the basis of racist and xenophobic platforms and charters, and the persistent use of those platforms and charters to promote or incite racist ideologies,

Underlining the importance of urgently eliminating continuing and violent trends involving racism and racial discrimination, and conscious that any form of impunity for crimes motivated by racist and xenophobic attitudes plays a role in weakening the rule of law and democracy, tends to encourage the recurrence of such crimes and requires resolute action and cooperation for its eradication,

Recognizing that individuals belonging to vulnerable groups, such as migrants, refugees, asylum-seekers and persons belonging to national or ethnic, religious and

² See *Official Records of the General Assembly, Sixty-second Session, Supplement No. 53* (A/62/53), chap. II, sect. B.

³ See A/CONF.211/8.

⁴ United Nations, *Treaty Series*, vol. 660, No. 9464.

linguistic minorities, continue to be the main victims of violence and attacks perpetrated or incited by extremist political parties, movements and groups,

Acknowledging the central role of resource mobilization, effective global partnership and international cooperation in the context of paragraphs 157 and 158 of the Durban Programme of Action for the successful realization of commitments undertaken at the World Conference,

Expressing grave concern at the lack of progress made in the implementation of the Durban Declaration and Programme of Action, in particular key paragraphs 157 to 159 of the Programme of Action,

Welcoming the continued commitment of the United Nations High Commissioner for Human Rights to profiling and increasing the visibility of the struggle against racism, racial discrimination, xenophobia and related intolerance, and recognizing the need for the High Commissioner to make this a cross-cutting issue in the activities and programmes of her Office,

Welcoming also the work of the Intergovernmental Working Group on the Effective Implementation of the Durban Declaration and Programme of Action at its seventh and eighth sessions, held from 5 to 16 October 2009⁵ and from 11 to 22 October 2010,⁶ respectively, and welcoming the adoption by the Human Rights Council of the conclusions and recommendations of the Working Group,

Welcoming further the progress made during the third session of the Ad Hoc Committee on the Elaboration of Complementary Standards, held in Geneva from 11 to 21 April 2011, and looking forward to the convening of the fourth session, to be held in Geneva during 2012,

Welcoming the activities undertaken in the context of the International Year for People of African Descent, including the first World Summit of Afro-Descendants, held in La Ceiba, Honduras, in August 2011, and the high-level summit for people of African descent held in Salvador, Brazil, in November 2011 to mark the tenth anniversary of the Durban outcome, and looking forward to the African Diaspora Summit to be held in South Africa in 2012,

Recognizing the potential of sport as a universal language contributing to the education of people on the values of diversity, tolerance and fairness and as a means to combat racism, racial discrimination, xenophobia and related intolerance,

Welcoming the hosting of the 2010 and 2014 International Federation of Association Football World Cups in South Africa and Brazil, respectively, and stressing the importance of making continuing use of those events to promote understanding, tolerance and peace and to promote and strengthen efforts in the fight against racism, racial discrimination, xenophobia and related intolerance,

I

General principles

1. *Recognizes and affirms* that a global fight against racism, racial discrimination, xenophobia and related intolerance and all their abhorrent and

⁵ See A/HRC/13/60.

⁶ See A/HRC/16/64.

evolving forms and manifestations is a matter of priority for the international community;

2. *Acknowledges* that no derogation from the prohibition of racial discrimination, genocide, the crime of apartheid or slavery is permitted, as defined in the obligations under the relevant human rights instruments;

3. *Expresses its profound concern about and its unequivocal condemnation of* all forms of racism and racial discrimination, including related acts of racially motivated violence, xenophobia and intolerance, as well as propaganda activities and organizations that attempt to justify or promote racism, racial discrimination, xenophobia and related intolerance in any form;

4. *Re-emphasizes* that international cooperation is a key principle in achieving the goal of the total elimination of racism, racial discrimination, xenophobia and related intolerance and the comprehensive follow-up to and effective implementation of the Durban Declaration and Programme of Action;¹

5. *Emphasizes* that the basic responsibility for effectively combating racism, racial discrimination, xenophobia and related intolerance lies with States, and to this end stresses that States have the primary responsibility to ensure the full and effective implementation of all commitments and recommendations contained in the Durban Declaration and Programme of Action as well as the outcome of the Durban Review Conference, and in this regard welcomes the steps taken by numerous Governments;

6. *Expresses deep concern* at inadequate responses to emerging and resurgent forms of racism, racial discrimination, xenophobia and related intolerance, and urges States to adopt measures to address those scourges vigorously with a view to preventing their practice and protecting victims;

7. *Underlines* the imperative need to address all the contemporary forms and manifestations of racism, racial discrimination, xenophobia and related intolerance, which include, inter alia, incitement to such hatred, racial profiling and the propagation of racist and xenophobic acts through cyberspace, with a view to maximizing protection for victims, providing legal remedies and combating impunity;

8. *Stresses* that States and international organizations have a responsibility to ensure that measures taken in the struggle against terrorism do not discriminate in purpose or effect on grounds of race, colour, descent or national or ethnic origin, and urges all States to rescind or refrain from all forms of racial profiling;

9. *Recognizes* that States should implement and enforce appropriate and effective legislative, judicial, regulatory and administrative measures to prevent and protect against acts of racism, racial discrimination, xenophobia and related intolerance, thereby contributing to the prevention of human rights violations;

10. *Also recognizes* that racism, racial discrimination, xenophobia and related intolerance occur on the grounds of race, colour, descent or national or ethnic origin and that victims can suffer multiple or aggravated forms of discrimination based on other related grounds, such as sex, language, religion, political or other opinion, social origin, property and birth or other status;

11. *Reaffirms* that any advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence shall be prohibited by law;

12. *Emphasizes* that it is the responsibility of States to adopt effective measures to combat criminal acts motivated by racism, racial discrimination, xenophobia and related intolerance, including measures to ensure that such motivations are considered an aggravating factor for the purposes of sentencing, to prevent those crimes from going unpunished and to ensure the rule of law;

13. *Urges* all States to review and, where necessary, revise their immigration laws, policies and practices so that they are free of racial discrimination and compatible with their obligations under international human rights instruments;

14. *Calls upon* all States, in accordance with the commitments undertaken in paragraph 147 of the Durban Programme of Action, to take all measures necessary to combat incitement to violence motivated by racial hatred, including through the misuse of print, audio-visual and electronic media and new communications technologies, and, in collaboration with service providers, to promote the use of such technologies, including the Internet, to contribute to the fight against racism, in conformity with international standards of freedom of expression and taking all measures necessary to guarantee that right;

15. *Encourages* all States to include in their educational curricula and social programmes at all levels, as appropriate, knowledge of and tolerance and respect for all cultures, civilizations, religions, peoples and countries, as well as information on the follow-up to and implementation of the Durban Declaration and Programme of Action;

16. *Stresses* the responsibility of States to mainstream a gender perspective into the design and development of prevention, education and protection measures aimed at the eradication of racism, racial discrimination, xenophobia and related intolerance at all levels, to ensure that they effectively target the distinct situations of women and men;

II

International Convention on the Elimination of All Forms of Racial Discrimination

17. *Reaffirms* that universal adherence to and full implementation of the International Convention on the Elimination of All Forms of Racial Discrimination⁴ are of paramount importance for the fight against racism, racial discrimination, xenophobia and related intolerance, and for the promotion of equality and non-discrimination in the world;

18. *Expresses grave concern* that universal ratification of the Convention has not yet been reached, despite commitments under the Durban Declaration and Programme of Action,¹ and calls upon those States that have not yet done so to accede to the Convention as a matter of urgency;

19. *Urges*, in the above context, the Office of the United Nations High Commissioner for Human Rights to maintain on its website and issue regular updates on a list of countries that have not yet ratified the Convention and to encourage those countries to ratify it at the earliest possible time;

20. *Expresses concern* at the serious delays in the submission of overdue reports to the Committee on the Elimination of Racial Discrimination, which impede the effectiveness of the Committee, makes a strong appeal to all States parties to the Convention to comply with their treaty obligations, and reaffirms the importance of the provision of technical assistance to requesting countries in the preparation of their reports to the Committee;

21. *Invites* States parties to the Convention to ratify the amendment to article 8 of the Convention on the financing of the Committee, and calls for adequate additional resources from the regular budget of the United Nations to enable the Committee to discharge its mandate fully;

22. *Urges* all States parties to the Convention to intensify their efforts to implement the obligations that they have accepted under article 4 of the Convention, with due regard to the principles of the Universal Declaration of Human Rights⁷ and article 5 of the Convention;

23. *Recalls* that the Committee holds that the prohibition of the dissemination of ideas based on racial superiority or racial hatred is compatible with the right to freedom of opinion and expression as outlined in article 19 of the Universal Declaration of Human Rights and in article 5 of the Convention;

24. *Welcomes* the emphasis placed by the Committee on the importance of follow-up to the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance and the measures recommended to strengthen the implementation of the Convention as well as the functioning of the Committee;

25. *Calls upon* Member States to do their utmost to ensure that their responses to the current financial and economic crisis do not lead to increased poverty and underdevelopment and, potentially, a rise in racism, racial discrimination, xenophobia and related intolerance against foreigners, immigrants and persons belonging to national, or ethnic, religious and linguistic minorities all over the world;

26. *Reaffirms* that deprivation of citizenship on the basis of race or descent is a breach of States parties' obligations to ensure non-discriminatory enjoyment of the right to nationality;

III

Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, and follow-up to his visits

27. *Takes note* of the reports of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance,⁸ and encourages relevant stakeholders to consider implementing the recommendations contained therein;

28. *Welcomes* Human Rights Council resolution 16/33 of 25 March 2011,⁹ by which the Council decided to extend the mandate of the Special Rapporteur for a period of three years;

⁷ Resolution 217 A (III).

⁸ See A/66/312 and A/66/313.

⁹ See *Official Records of the General Assembly, Sixty-sixth Session, Supplement No. 53 (A/66/53)*, chap. II, sect. A.

29. *Reiterates its call* to all Member States, intergovernmental organizations, relevant organizations of the United Nations system and non-governmental organizations to cooperate fully with the Special Rapporteur, and calls upon States to consider responding favourably to his requests for visits so as to enable him to fulfil his mandate fully and effectively;

30. *Reaffirms* that any form of impunity condoned by public authorities for crimes motivated by racist and xenophobic attitudes plays a role in weakening the rule of law and democracy and tends to encourage the recurrence of such acts;

31. *Emphasizes* the obligations of States under international law to exercise due diligence to prevent crimes against migrants perpetrated with racist or xenophobic motivations, to investigate such crimes and to punish the perpetrators, and that not doing so violates, and impairs or nullifies the enjoyment of, the human rights and fundamental freedoms of victims, and urges States to reinforce measures in this regard;

32. *Recognizes with deep concern* the increase in anti-Semitism, Christianophobia and Islamophobia in various parts of the world, as well as the emergence of racial and violent movements based on racism and discriminatory ideas directed against Arab, Christian, Jewish and Muslim communities, as well as all religious communities, communities of people of African descent, communities of people of Asian descent, communities of indigenous people and other communities;

33. *Calls upon* States parties to fully implement legislation and other measures already in place to ensure that people of African descent are not discriminated against, and underlines in this regard the importance of supporting the programme of Activities for the International Year for People of African Descent adopted by the General Assembly at its sixty-fifth session;¹⁰

34. *Requests* the High Commissioner to continue to provide States, at their request, with advisory services and technical assistance to enable them to implement fully the recommendations of the Special Rapporteur;

35. *Requests* the Secretary-General to provide the Special Rapporteur with all the human and financial assistance necessary to enable him to carry out his mandate efficiently, effectively and expeditiously and to submit a report to the General Assembly at its sixty-seventh session;

36. *Requests* the Special Rapporteur, within his mandate, to continue giving particular attention to the negative impact of racism, racial discrimination, xenophobia and related intolerance on the full enjoyment of civil, cultural, economic, political and social rights;

37. *Invites* Member States to demonstrate greater commitment to fighting racism in sport by conducting educational and awareness-raising activities and by strongly condemning the perpetrators of racist incidents, in cooperation with national and international sports organizations;

38. *Recommends* that States engage in broad efforts to eliminate racism, racial discrimination, xenophobia and related intolerance and to promote the respect for cultural, ethnic and religious diversity, and in that regard emphasizes the crucial

¹⁰ See resolution 65/36.

role of education, including human rights education, training and learning, and a variety of awareness-raising measures which contribute to the creation of tolerant societies in which mutual understanding may be ensured;

39. *Also recommends* that all States give due attention to and closely monitor the way in which the concept of national identity is debated within their societies, with a view to preventing it from being used as a tool to create artificial differences among some groups of the population;

40. *Expresses concern* at recent deeply marked tendencies within numerous societies to characterize migration as a problem and a threat to social cohesion, and in this context notes the numerous human rights challenges in combating racism, racial discrimination, xenophobia and related intolerance;

41. *Recommends* that States conduct human rights training, including on the challenges of racism, racial discrimination, xenophobia and related intolerance faced by migrants, refugees and asylum-seekers, for law enforcement officials, especially immigration officials and border police, so that they may act in conformity with international human rights law;

42. *Also recommends* that States collect disaggregated data in order to design appropriate anti-racial discrimination legislation and policies and monitor their effectiveness, while abiding by some key principles, including self-identification, the right to privacy and guaranteeing the consent of those concerned, in the design and implementation of the exercise;

IV

Outcomes of the 2001 World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, the 2009 Durban Review Conference and the high-level meeting of the General Assembly to commemorate the tenth anniversary of the adoption of the Durban Declaration and Programme of Action (2011)

43. *Reaffirms* that the General Assembly is the highest intergovernmental mechanism for the formulation and appraisal of policy on matters relating to the economic, social and related fields, in accordance with Assembly resolution 50/227 of 24 May 1996, and that, together with the Human Rights Council, it shall constitute an intergovernmental process for the comprehensive implementation of and follow-up to the Durban Declaration and Programme of Action;¹

44. *Welcomes* the adoption of the political declaration¹¹ of the high-level meeting of the General Assembly to commemorate the tenth anniversary of the adoption of the Durban Declaration and Programme of Action, whose aim is to mobilize political will at the national, regional and international levels;

45. *Reaffirms* the political commitment to the full and effective implementation of the Durban Declaration and Programme of Action, the outcome document of the Durban Review Conference and their follow-up processes, at the national, regional and international levels;

46. *Calls upon* all States that have not yet elaborated their national action plans on combating racism, racial discrimination, xenophobia and related

¹¹ See resolution 66/3.

intolerance to comply with their commitments undertaken at the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance of 2001;

47. *Calls upon* all States to formulate and implement without delay, at the national, regional and international levels, policies and plans of action to combat racism, racial discrimination, xenophobia and related intolerance, including their gender-based manifestations;

48. *Urges* States to support the activities of existing regional bodies or centres that combat racism, racial discrimination, xenophobia and related intolerance in their respective regions, and recommends the establishment of such bodies in all regions where they do not exist;

49. *Calls upon* those States that have not yet done so to consider signing and ratifying or acceding to the instruments enumerated in paragraph 78 of the Durban Programme of Action, including the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families of 1990;¹²

50. *Emphasizes* the fundamental and complementary role of national human rights institutions, regional bodies or centres and civil society, working jointly with States towards the elimination of all forms of racism and, in particular, towards the achievement of the objectives of the Durban Declaration and Programme of Action in this regard;

51. *Recognizes* the fundamental role of civil society in the fight against racism, racial discrimination, xenophobia and related intolerance, in particular in helping States to develop regulations and strategies, in taking measures and action against such forms of discrimination and through follow-up implementation;

52. *Reaffirms its commitment* to eliminating all forms of racism, racial discrimination, xenophobia and other forms of related intolerance against indigenous peoples, and in this regard notes the attention paid to the objectives of combating prejudice, eliminating discrimination and promoting tolerance, understanding and good relations among indigenous peoples and all other segments of society in the United Nations Declaration on the Rights of Indigenous Peoples;¹³

53. *Acknowledges* that the World Conference of 2001, which was the third world conference against racism, was significantly different from the previous two conferences, as evidenced by the inclusion in its title of two important components relating to contemporary forms of racism, namely, xenophobia and related intolerance;

54. *Also acknowledges* that the outcomes of the World Conference and the Durban Review Conference are on an equal footing with the outcomes of all the major United Nations conferences, summits and special sessions in the human rights and social fields;

55. *Requests* the Secretary-General to establish a programme of outreach, with the involvement of Member States and United Nations funds and programmes as well as civil society, including non-governmental organizations, to appropriately

¹² United Nations, *Treaty Series*, vol. 2220, No. 39481.

¹³ Resolution 61/295, annex.

commemorate the tenth anniversary of the adoption of the Durban Declaration and Programme of Action;

56. *Emphasizes* the critical importance of increasing public support for the Durban Declaration and Programme of Action and the involvement of relevant stakeholders in its realization;

57. *Requests* the Department of Public Information to compile and disseminate, within existing resources, in a single combined publication, the political declaration on the tenth anniversary of the Durban Declaration and Programme of Action and the outcome document of the Durban Review Conference, with a view to increasing global support for and awareness of these documents, as well as to establish a programme of outreach through public information campaigns at all levels;

58. *Calls upon* Member States and the United Nations system to intensify efforts to widely distribute copies of the Durban Declaration and Programme of Action, and encourages efforts to ensure its translation and wide dissemination;

59. *Welcomes* the adoption of the laudable initiative led by the States members of the Caribbean Community and other Member States for the establishment of a permanent memorial at the United Nations to the victims of slavery and the transatlantic slave trade as a contribution towards the fulfilment of paragraph 101 of the Durban Declaration, expresses its appreciation for contributions made to the voluntary fund established in this regard, and urges other countries to contribute to the fund;

60. *Also welcomes* the work of the mechanisms mandated to follow up on the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, the Durban Review Conference and the high-level meeting of the General Assembly to commemorate the tenth anniversary of the adoption of the Durban Declaration and Programme of Action;

61. *Calls upon* the Human Rights Council to ensure that, upon the consideration and adoption of the conclusions and recommendations of the Intergovernmental Working Group on the Effective Implementation of the Durban Declaration and Programme of Action,⁴⁵ the recommendations are brought to the attention of the relevant United Nations agencies for adoption and implementation within their respective mandates;

62. *Endorses* the recommendation of the Working Group of Experts on People of African Descent, at its tenth session, concerning the proclamation of a decade for people of African descent,¹⁴ and decides that the Decade for People of African Descent will begin in 2012;

63. *Requests* the Working Group of Experts on People of African Descent, at its next session, to develop a programme of action for the Decade for People of African Descent which will be launched in December 2012, to be adopted by the Human Rights Council and transmitted by the Council to the General Assembly at its sixty-seventh session for endorsement;

64. *Encourages* the Office of the United Nations High Commissioner for Human Rights to continue mainstreaming the implementation of the Durban

¹⁴ See A/HRC/18/45, sect. IV.B.

Declaration and Programme of Action and the outcome document of the Durban Review Conference in the whole United Nations system, and, in accordance with paragraphs 136 and 137 of the outcome document, which call for the establishment of an inter-agency task force, to update the Human Rights Council in this regard;

65. *Acknowledges* the central role of resource mobilization, effective global partnership and international cooperation in the context of paragraphs 157 and 158 of the Durban Programme of Action for the successful realization of commitments undertaken at the World Conference, and emphasizes the importance of the mandate of the group of independent eminent experts on the implementation of the Durban Declaration and Programme of Action, especially in mobilizing the political will necessary for the successful implementation of the Declaration and Programme of Action;

66. *Requests* the Secretary-General to provide the resources necessary for the effective fulfilment of the mandates of the Intergovernmental Working Group on the Effective Implementation of the Durban Declaration and Programme of Action, the Working Group of Experts on People of African Descent, the group of independent eminent experts on the implementation of the Durban Declaration and Programme of Action and the Ad Hoc Committee on the Elaboration of Complementary Standards;

67. *Expresses concern* at the increasing incidence of racism in various sporting events, while noting with appreciation the efforts made by some governing bodies of the various sporting codes to combat racism, and in this regard invites all international sporting bodies to promote, through their national, regional and international federations, a world of sport free from racism and racial discrimination;

68. *Expresses serious concern* at recent incidents of racism at sporting events targeting, in particular, Africans and people of African descent, and recalls the need to reverse this legacy of racism;

69. *Expresses its appreciation*, in this context, to the International Federation of Association Football for the initiative to introduce a visible theme on non-racism in football, and invites the Federation to continue this initiative at the 2014 World Cup soccer tournament to be held in Brazil;

70. *Calls upon* States to take advantage of mass sporting events as valuable outreach platforms to mobilize people and convey crucial messages about equality and non-discrimination;

71. *Acknowledges* the guidance and leadership role of the Human Rights Council and encourages it to continue overseeing the implementation of the Durban Declaration and Programme of Action, and requests the Office of the United Nations High Commissioner for Human Rights to continue to provide the Human Rights Council with all the support necessary for it to achieve its objectives in this regard;

V

Follow-up activities

72. *Strongly recommends* that future meetings of the Human Rights Council and its relevant mechanisms focusing on the follow-up to the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance and the

implementation of the Durban Declaration and Programme of Action be scheduled in a manner that allows broad participation and avoids overlap with the meetings devoted to the consideration of this item in the General Assembly;

73. *Requests* the Secretary-General to submit to the General Assembly at its sixty-seventh session a report on the implementation of the present resolution, with recommendations;

74. *Decides* to remain seized of this important matter at its sixty-seventh session under the item entitled "Elimination of racism, racial discrimination, xenophobia and related intolerance".



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Agenda item 62

Report of the United Nations High Commissioner for Refugees, questions relating to refugees, returnees and displaced persons and humanitarian questions

Australia and United Republic of Tanzania:* revised draft resolution

Assistance to refugees, returnees and displaced persons in Africa

The General Assembly,

Recalling the Organization of African Unity Convention governing the specific aspects of refugee problems in Africa of 1969¹ and the African Charter on Human and Peoples' Rights,²

Reaffirming that the 1951 Convention relating to the Status of Refugees,³ together with the 1967 Protocol thereto,⁴ as complemented by the Organization of African Unity Convention of 1969, remains the foundation of the international refugee protection regime in Africa,

Recalling the adoption, and the ongoing ratification process, of the African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa,⁵ which marks a significant step towards strengthening the national and regional normative framework for the protection of and assistance to internally displaced persons,

Recognizing the particular vulnerability of women and children among refugees and other persons of concern, including exposure to discrimination and sexual and physical abuse, and in this regard acknowledging the importance of preventing and responding to sexual and gender-based violence,

* On behalf of the States Members of the United Nations that are members of the Group of African States.

¹ United Nations, *Treaty Series*, vol. 1001, No. 14691.

² *Ibid.*, vol. 1520, No. 26363.

³ *Ibid.*, vol. 189, No. 2545.

⁴ *Ibid.*, vol. 606, No. 8791.

⁵ Available from www.africa-union.org.



Gravely concerned about the rising number of refugees in various parts of the continent,

Acknowledging the efforts of Member States, the United Nations High Commissioner for Refugees and other stakeholders in improving the situation of refugees, and expressing grave concern about the deteriorating living conditions in many refugee camps in Africa,

Recognizing that refugees, internally displaced persons and, in particular, women and children are at an increased risk of exposure to HIV and AIDS, malaria and other infectious diseases,

Recalling the regional dialogues that the Office of the United Nations High Commissioner for Refugees undertook on protection challenges and solutions with refugee women and girls in Uganda and Zambia in March and April 2011, respectively,

Welcoming the ministerial mini-summit on the humanitarian response to the Horn of Africa crisis, held in New York on 24 September 2011, the African Union pledging conference held in Addis Ababa on 25 August 2011, and the Organization for Islamic Cooperation pledging meeting on Somalia held in Istanbul on 17 August 2011, as well as the Intergovernmental Authority on Development and East African Community joint summit on the Horn of Africa crisis, held in Nairobi on 8 and 9 September 2011, dedicated to raising awareness and mobilizing resources to address the crisis in the Horn of Africa, and, in this context, expressing appreciation for the valuable contributions of countries and international, regional and subregional organizations, as well as other relevant partners,

Noting with appreciation the Joint Declaration adopted by the summit on the Horn of Africa crisis, "Ending Drought Emergencies — a Commitment to Sustainable Solutions", which, inter alia, expressed concern about the mass exodus of refugees into neighbouring countries, as well as the increased number of internally displaced persons due to the current humanitarian crises of drought and famine in the Horn of Africa,

Noting also with appreciation the Pact on Security, Stability and Development in the Great Lakes Region, adopted by the International Conference on the Great Lakes Region in 2006,⁶ and its instruments, in particular two of the protocols to the Pact, which are relevant to the protection of displaced persons, namely, the Protocol on the Protection of and Assistance to Internally Displaced Persons and the Protocol on the Property Rights of Returning Persons,

Acknowledging with appreciation the generosity, hospitality and spirit of solidarity of African countries that continue to host the influx of refugees due to recent humanitarian crises and protracted refugee situations and, in this regard, expressing particular appreciation for the commitment and efforts of neighbouring countries in the recent humanitarian crises in Côte d'Ivoire, Libya and the Horn of Africa, and further acknowledging with appreciation the coordination of humanitarian assistance by the United Nations as well as the continuing efforts of donors, the United Nations system, including the Office of the United Nations High Commissioner for Refugees, regional organizations, international agencies, non-governmental organizations and other partners, with regard to, inter alia,

⁶ Available from www.icglr.org.

voluntary return, reintegration and resettlement, in addressing the plight of refugees during the emergency,

Recognizing that host States have the primary responsibility for the protection of and assistance to refugees on their territory, and the need to redouble efforts to develop and implement comprehensive durable solution strategies, in appropriate cooperation with the international community, and burden- and responsibility-sharing,

Emphasizing that States have the primary responsibility to provide protection and assistance to internally displaced persons within their jurisdiction, as well as to address the root causes of the displacement problem in appropriate cooperation with the international community,

Welcoming the sixtieth anniversary of the 1951 Convention relating to the Status of Refugees³ and the fiftieth anniversary of the 1961 Convention on the Reduction of Statelessness,⁷ and welcoming in this context the convening, by the Office of the High Commissioner, of an intergovernmental event at the ministerial level on 7 and 8 December 2011 to commemorate these anniversaries,

1. *Takes note* of the reports of the Secretary-General⁸ and the United Nations High Commissioner for Refugees;⁹

2. *Calls upon* African Member States that have not yet signed or ratified the African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa⁵ to consider doing so as early as possible in order to ensure its early entry into force and implementation;

3. *Notes* the need for African Member States to address resolutely the root causes of all forms of forced displacement in Africa and to foster peace, stability and prosperity throughout the African continent so as to forestall flows of refugees;

4. *Notes with great concern* that, despite all of the efforts made so far by the United Nations, the African Union and others, the situation of refugees and displaced persons in Africa remains precarious, and calls upon States and other parties to armed conflict to observe scrupulously the letter and spirit of international humanitarian law, bearing in mind that armed conflict is one of the principal causes of forced displacement in Africa;

5. *Welcomes* decisions EX.CL/Dec.629 (XVIII) and EX.CL/Dec.653 (XIX) on the humanitarian situation in Africa, insofar as they relate to refugees, returnees and displaced persons, adopted by the Executive Council of the African Union at its eighteenth ordinary session, held in Addis Ababa from 24 to 28 January 2011, and its nineteenth ordinary session, held in Malabo from 23 to 28 June 2011, respectively;¹⁰

6. *Expresses its appreciation* for the leadership shown by the Office of the United Nations High Commissioner for Refugees and commends the Office for its ongoing efforts, with the support of the international community, to assist African

⁷ United Nations, *Treaty Series*, vol. 989, No. 14458.

⁸ A/66/321.

⁹ *Official Records of the General Assembly, Sixty-sixth Session, Supplement No. 12* (A/66/12).

¹⁰ See African Union, documents EX.CL/Dec.600-643 (XVIII) and EX.CL/Dec.644-667 (XIX). Available from www.africa-union.org.

countries of asylum, including by providing support to vulnerable local host communities, and to respond to the protection and assistance needs of refugees, returnees and displaced persons in Africa;

7. *Notes with appreciation* the initiatives taken by the African Union, the Subcommittee on Refugees, Returnees and Internally Displaced Persons of its Permanent Representatives Committee, and the African Commission on Human and Peoples' Rights, in particular the role of its Special Rapporteur on Refugees, Asylum-Seekers, Migrants and Internally Displaced Persons in Africa, to ensure the protection of and assistance to refugees, returnees and displaced persons in Africa;

8. *Recalls* the adoption by the Executive Committee of the Programme of the United Nations High Commissioner for Refugees of the conclusions on refugees with disabilities and other persons with disabilities protected and assisted by the Office of the High Commissioner, at its sixty-first session, held from 4 to 8 October 2010,¹¹ and endorses its report on the work of its sixty-second session, held from 3 to 7 October 2011;¹²

9. *Acknowledges* the important contribution of age, gender and diversity mainstreaming in identifying, through a participatory approach, the protection risks faced by the different members of the refugee communities, in particular the non-discriminatory treatment and protection of women, children, persons with disabilities and the elderly;

10. *Affirms* that children, because of their age, social status and physical and mental development, are often more vulnerable than adults in situations of forced displacement, recognizes that forced displacement, return to post-conflict situations, integration in new societies, protracted situations of displacement and statelessness can increase child protection risks, taking into account the particular vulnerability of refugee children to forcible exposure to the risks of physical and psychological injury, exploitation and death in connection with armed conflict, and acknowledges that wider environmental factors and individual risk factors, particularly when combined, may generate different protection needs;

11. *Recognizes* that no solution to displacement can be durable unless it is sustainable, and therefore encourages the Office of the High Commissioner to support the sustainability of return and reintegration;

12. *Also recognizes* the importance of early registration and effective registration systems and censuses as a tool of protection and as a means to the quantification and assessment of needs for the provision and distribution of humanitarian assistance and to implement appropriate durable solutions;

13. *Recalls* the conclusion on registration of refugees and asylum-seekers adopted by the Executive Committee of the Programme of the High Commissioner at its fifty-second session,¹³ notes the many forms of harassment faced by refugees and asylum-seekers who remain without any form of documentation attesting to their status, recalls the responsibility of States to register refugees on their territories and, as appropriate, the responsibility of the Office of the High Commissioner or

¹¹ *Official Records of the General Assembly, Sixty-fifth Session, Supplement No. 12A (A/65/12/Add.1), chap. III, sect. A.*

¹² *Ibid., Sixty-sixth Session, Supplement No. 12A (A/66/12/Add.1).*

¹³ *Ibid., Fifty-sixth Session, Supplement No. 12A (A/56/12/Add.1), chap. III, sect. B.*

mandated international bodies to do so, reiterates in this context the central role that early and effective registration and documentation can play, guided by protection considerations, in enhancing protection and supporting efforts to find durable solutions, and calls upon the Office, as appropriate, to help States to conduct this procedure should they be unable to register refugees on their territory;

14. *Calls upon* the international community, including States and the Office of the High Commissioner and other relevant United Nations organizations, within their respective mandates, to take concrete action to meet the protection and assistance needs of refugees, returnees and displaced persons and to contribute generously to projects and programmes aimed at alleviating their plight, facilitating durable solutions for refugees and displaced persons and supporting vulnerable local host communities;

15. *Reaffirms* the importance of timely and adequate assistance and protection for refugees, returnees and displaced persons, also reaffirms that assistance and protection are mutually reinforcing and that inadequate material assistance and food shortages undermine protection, notes the importance of a rights- and community-based approach in engaging constructively with individual refugees, returnees and displaced persons and their communities so as to achieve fair and equitable access to food and other forms of material assistance, and expresses concern in regard to situations in which minimum standards of assistance are not met, including those in which adequate needs assessments have yet to be undertaken;

16. *Also reaffirms* that respect by States for their protection responsibilities towards refugees is strengthened by international solidarity involving all members of the international community and that the refugee protection regime is enhanced through committed international cooperation in a spirit of solidarity and burden- and responsibility-sharing among all States;

17. *Further reaffirms* that host States have the primary responsibility to ensure the civilian and humanitarian character of asylum, calls upon States, in cooperation with international organizations, within their mandates, to take all measures necessary to ensure respect for the principles of refugee protection and, in particular, to ensure that the civilian and humanitarian nature of refugee camps is not compromised by the presence or the activities of armed elements or used for purposes that are incompatible with their civilian character, and encourages the High Commissioner to continue efforts, in consultation with States and other relevant actors, to ensure the civilian and humanitarian character of camps;

18. *Condemns* all acts that pose a threat to the personal security and well-being of refugees and asylum-seekers, such as refoulement, unlawful expulsion and physical attacks, calls upon States of refuge, in cooperation with international organizations, where appropriate, to take all measures necessary to ensure respect for the principles of refugee protection, including the humane treatment of asylum-seekers, notes with interest that the High Commissioner has continued to take steps to encourage the development of measures to better ensure the civilian and humanitarian character of asylum, and encourages the High Commissioner to continue those efforts, in consultation with States and other relevant actors;

19. *Deplores* the continuing violence and insecurity which constitute an ongoing threat to the safety and security of staff members of the Office of the High

Commissioner and other humanitarian organizations and an obstacle to the effective fulfilment of the mandate of the Office and the ability of its implementing partners and other humanitarian personnel to discharge their respective humanitarian functions, urges States, parties to conflict and all other relevant actors to take all measures necessary to protect activities related to humanitarian assistance, prevent attacks on and kidnapping of national and international humanitarian workers and ensure the safety and security of the personnel and property of the Office and that of all humanitarian organizations discharging functions mandated by the Office, and calls upon States to investigate fully any crime committed against humanitarian personnel and bring to justice the persons responsible for such crimes;

20. *Calls upon* the Office of the High Commissioner, the African Union, subregional organizations and all African States, in conjunction with agencies of the United Nations system, intergovernmental and non-governmental organizations and the international community, to strengthen and revitalize existing partnerships and forge new ones in support of the protection system for refugees, asylum-seekers and internally displaced persons;

21. *Calls upon* the Office of the High Commissioner, the international community and other entities concerned to intensify their support to African Governments through appropriate capacity-building activities, including training of relevant officers, disseminating information about refugee instruments and principles, providing financial, technical and advisory services to accelerate the enactment or amendment and implementation of legislation relating to refugees, strengthening emergency response and enhancing capacities for the coordination of humanitarian activities, in particular those Government. that have received large numbers of refugees and asylum-seekers;

22. *Reaffirms* the right of return and the principle of voluntary repatriation, appeals to countries of origin and countries of asylum to create conditions that are conducive to voluntary repatriation, and recognizes that, while voluntary repatriation remains the pre-eminent solution, local integration and third-country resettlement, where appropriate and feasible, are also viable options for dealing with the situation of African refugees who, owing to prevailing circumstances in their respective countries of origin, are unable to return home;

23. *Also reaffirms* that voluntary repatriation should not necessarily be conditioned on the accomplishment of political solutions in the country of origin in order not to impede the exercise of the refugees' right to return, recognizes that the voluntary repatriation and reintegration process is normally guided by the conditions in the country of origin, in particular that voluntary repatriation can be accomplished in conditions of safety and dignity, and urges the High Commissioner to promote sustainable return through the development of durable and lasting solutions, particularly in protracted refugee situations;

24. *Calls upon* the international donor community to provide financial and material assistance that allows for the implementation of community-based development programmes that benefit both refugees and host communities, as appropriate, in agreement with host countries and consistent with humanitarian objectives;

25. *Appeals* to the international community to respond positively, in the spirit of solidarity and burden- and responsibility-sharing, to the third-country

resettlement needs of African refugees, notes in this regard the importance of using resettlement strategically, as part of situation-specific comprehensive responses to refugee situations, and to this end encourages States, the Office of the High Commissioner and other relevant partners to make full use of the Multilateral Framework of Understandings on Resettlement,¹⁴ where appropriate and feasible; and, in this context, commends recent efforts by the Office of the High Commissioner in launching a Global Resettlement Solidarity Initiative in April 2011 and by States that have responded generously in this respect;

26. *Calls upon* the international donor community to provide material and financial assistance for the implementation of programmes intended for the rehabilitation of the environment and infrastructure affected by refugees in countries of asylum as well as internally displaced persons, where appropriate;

27. *Urges* the international community, in the spirit of international solidarity and burden-sharing, to continue to fund generously the refugee programmes of the Office of the High Commissioner and, taking into account the substantially increased needs of programmes in Africa, inter alia, as a result of repatriation possibilities, to ensure that Africa receives a fair and equitable share of the resources designated for refugees;

28. *Encourages* the Office of the High Commissioner and interested States to identify protracted refugee situations which might lend themselves to resolution through the development of specific, multilateral, comprehensive and practical approaches to resolving such refugee situations, including the improvement of international burden- and responsibility-sharing and the realization of durable solutions, within a multilateral context;

29. *Expresses grave concern* about the plight of internally displaced persons in Africa, notes the efforts of African States in strengthening the regional mechanisms for the protection of and assistance to internally displaced persons, calls upon States to take concrete action to pre-empt internal displacement and to meet the protection and assistance needs of internally displaced persons, recalls in that regard the Guiding Principles on Internal Displacement,¹⁵ takes note of the current activities of the Office of the High Commissioner related to the protection of and assistance to internally displaced persons, including in the context of inter-agency arrangements in this field, emphasizes that such activities should be consistent with relevant General Assembly resolutions and should not undermine the refugee mandate of the Office and the institution of asylum, and encourages the High Commissioner to continue his dialogue with States on the role of his Office in this regard;

30. *Invites* the Special Rapporteur on the human rights of internally displaced persons to continue his ongoing dialogue with Member States and the intergovernmental and non-governmental organizations concerned, in accordance with his mandate, and to include information thereon in his reports to the Human Rights Council and the General Assembly;

31. *Requests* the Secretary-General to submit a comprehensive report on assistance to refugees, returnees and displaced persons in Africa to the General

¹⁴ Available from www.unhcr.org.

¹⁵ E/CN.4/1998/53/Add.2, annex.

Assembly at its sixty-seventh session, taking fully into account the efforts expended by countries of asylum, under the item entitled "Report of the United Nations High Commissioner for Refugees, questions relating to refugees, returnees and displaced persons and humanitarian questions".
